

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EZRA COHEN,

Plaintiff,

07Civ. 5834 (PKC)

-against-

ORDER

ELIAS HOROWITZ, et al.

Defendant(s).

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P. KEVIN CASTEL, District Judge:

I have reviewed Mr. Bluss's letter of April 23 and Mr. Rosengarten's response of April 24. All proposed motions will be taken up at the July 18 conference which will also serve as a pre-motion conference.

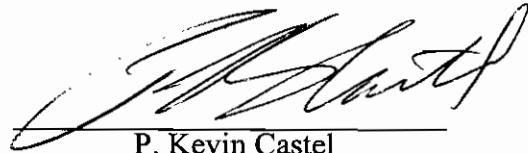
In view of the history of defendant's compliance with lawful discovery requests, I direct defendant Horowitz to provide the following to plaintiff's counsel by May 9, 2008:

1. A request-by-request identification of which documents produced by defendant Horowitz relate to which request by plaintiff.
2. A log setting forth the information required by Local Rule 26.2 as to any document withheld on the ground of attorney client-privilege and/or work product.
3. An affidavit or declaration under penalty of perjury and compliant with 28 U.S.C. § 1746 from Elias Horowitz stating that all document responsive to each category of plaintiff's document requests have been produced, except for those identified on the privilege log identified in paragraph 2. The affidavit or declaration shall be filed with the Clerk of the Court.

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4. An affidavit or declaration under penalty of perjury and compliant with 28 U.S.C. § 1746 from Jeffrey Buss that to the best of his knowledge information, and belief the statements in the Horowitz affidavit or declaration are true and correct. The affidavit or declaration shall be filed with the Clerk of the Court.

Failure to comply with any aspect of the foregoing will lead to the full array of sanctions authorized under Rule 37, Fed. R. Civ. P., and the inherent power of the Court, including but not limited to, striking defendant's answer and entry of judgment by default.



P. Kevin Castel
United States District Judge

Dated: New York, New York
April 28, 2008